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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 FERNANDO MONTANO, individually,
9 Plaintiff,

10 vs.

11 HOME DEPOT U.S.A., INC., a Delaware
corporation d/b/a THE HOME DEPOT,
12 Defendant.

Case No. 2:23-CV-00979-JCM-NJK

**STIPULATED DISCOVERY PLAN
AND SCHEDULING ORDER**

(Special Scheduling Review Requested)

14 Under Fed. R. Civ. P. 26(f) and Local Rule 26-1(b), the parties submit their stipulated
15 Discovery Plan and Scheduling Order. The parties respectfully request a 270-day discovery period
16 starting from the date of their Rule 26(f) conference (July 18, 2023). Initial Defendant THE HOME
17 DEPOT, INC. filed its Answer on July 10, 2023 (Dkt. 9). This requested change, the reasons for it,
18 and the proposed schedule are set forth in more detail below. Deadlines that fall on a Saturday,
19 Sunday, or legal holiday have been scheduled for the next judicial day.

20 1. Initial Disclosures. The parties will serve initial disclosures by **August 1, 2023**, which is
21 14 days after the Rule 26(f) conference.

22 2. Close of Discovery. This is a negligent premises liability case arising from an
23 alleged incident involving Plaintiff suffering personal injuries by sitting on a broken chair for sale
24 within Defendant's Home Depot store, causing him to fall. Defendant is currently attempting to
25 ascertain the manufacturer of the broken chair, and there is a strong likelihood the manufacturer is
26 located outside the United States. Due to the complexity of the issues, the parties will need time
27 beyond the standard 180-day discovery plan, to complete discovery including ascertaining the
28 manufacturer of the broken chair, joining and serving the manufacturer, serving discovery, obtaining

1 medical records, retaining experts, coordinating, and conducting depositions. This additional time
2 will also allow the parties to engage in meaningful discussions about potentially resolving this case.
3 For these reasons, the parties propose a 270-day discovery period running from the date of the
4 parties' Rule 26(f) conference, with discovery closing on **April 15, 2024**.

5 3. Amending the Pleadings and Adding Parties. The parties shall have until **January**
6 **16, 2024**, to file any motions to amend the pleadings or to add parties. This is 90 days before the
7 discovery cut-off date.

8 4. Expert Disclosures. The deadline for expert disclosures is **February 15, 2024**, which
9 is 60 days before the close of discovery. The deadline for rebuttal expert disclosures is **March 18,**
10 **2024**, which is 30 days after expert disclosures.

11 5. Dispositive Motions. Dispositive motions must be filed by **May 15, 2024**, which is
12 30 days after the close of discovery.

13 6. Pretrial Order. The parties' joint pretrial order is due **June 14, 2024**, which is 30 days
14 after the dispositive motion deadline. If dispositive motions are filed, the deadline for filing the joint
15 pretrial order will be suspended until 30 days after decision on the dispositive motions or further court
16 order.

17 7. Rule 26(a)(3) Disclosures. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any
18 objections to them will be included in the parties' joint pretrial order.

19 8. Alternative Dispute Resolution. The parties have considered resolution and the
20 possibility of using alternative dispute resolution processes, and the parties may revisit these options as
21 the case proceeds.

22 9. Alternative Forms of Case Disposition. The parties have considered trial by a magistrate
23 judge and the short trial program, and the parties may revisit these options as the case proceeds.

24 10. Electronic Evidence. The parties anticipate their initial, supplemental, and responsive
25 production of materials will be in .pdf and/or paper formats. These productions may be served by
26 electronic means. The parties certify that they discussed whether they intend to present evidence in
27 electronic format to jurors for the purposes of jury deliberations. The parties have not reached any
28 stipulations in this regard at this time. Counsel will further discuss and address the presentation of

1 electronic exhibits at trial in connection with the joint pretrial order, pretrial conference, and/or calendar
2 call, as applicable and appropriate.

3 Respectfully submitted this 21st day of July, 2023.

4 LERNER & ROWE INJURY ATTORNEYS

HALL JAFFE

5 /s/ Joseph F. Schmitt

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12 IT IS SO ORDERED:
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15 
UNITED STATES MAGISTRATE JUDGE

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18 DATED: July 24, 2023